

1 Michael J. McCue (Nevada Bar No. 6055)
MMcCue@LRLaw.com
2 John L. Krieger (Nevada Bar No. 6023)
JKrieger@LRLaw.com
3 Jonathan W. Fountain (Nevada Bar No. 10351)
JFountain@LRLaw.com
4 LEWIS AND ROCA LLP
3993 Howard Hughes Parkway, Suite 600
5 Las Vegas, NV 89169
(702) 949-8200
6 (702) 949-8398 fax

7 Attorneys for Plaintiff
Nevada Property 1 LLC
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10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 NEVADA PROPERTY 1 LLC, a Delaware
13 limited liability company,

14 Plaintiff,

15 v.

16 NEWCOSMOPOLITANLASVEGAS.COM,
17 an unknown person or entity,

18 Defendant.

Case No. 2:12-cv-00866-JCM-RJJ

PRELIMINARY INJUNCTION

19 **UPON CONSIDERATION** of the motion filed by Plaintiff Nevada Property 1 LLC
20 ("Plaintiff") for a preliminary injunction, the supporting memorandum of points and authorities,
21 the supporting declaration and evidence, the record in this case, and for other good cause shown;

22 **THE COURT HEREBY FINDS THAT:**

23 1. Plaintiff is likely to succeed on the merits of its cybersquatting claim, 15 U.S.C. §
24 1125(d), because it has demonstrated that Defendant registered the
25 <newcosmopolitanlasvegas.com> domain name with a bad faith intent to profit from the
26 COSMOPOLITAN Marks, which were distinctive and/or famous at the time Defendant registered
27 the domain name;

28 2. Plaintiff will suffer irreparable injury to its valuable trademarks and associated

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| JUN - 1 2012 | |
| CLERK US DISTRICT COURT DISTRICT OF NEVADA | |
| BY: _____ | DEPUTY _____ |

1 goodwill if the Court does not require Jiangsu Bangning Science & Technology Co. Ltd. (the
2 domain name registrar) to transfer the registration for the <newcosmopolitanlasvegas.com>
3 domain name to Plaintiff and/or require VeriSign, Inc. (the ".com" domain name registry) to
4 change the registrar(s) of record to a registrar selected by Plaintiff, which will subsequently
5 register the <newcosmopolitanlasveags.com> domain name in the name of Plaintiff, and which
6 shall be held by Plaintiff pending litigation of this matter;

7 3. The balance of hardships tips in Plaintiff's favor because entry of a preliminary
8 injunction would merely prevent Defendant from linking the <newcosmopolitanlasvegas.com>
9 domain name, which is identical and/or confusingly similar to the COSMOPOLITAN Marks, to
10 an active website, and would transfer the registration of the <newcosmopolitanlasvegas.com>
11 domain name to Plaintiff pending trial; failure to issue the injunction would cause Plaintiff to
12 continue to suffer loss of control over its goodwill and reputation and deprive it of the opportunity
13 to use domain names containing the COSMOPOLITAN Marks; and

14 4. The issuance of a preliminary injunction is in the public interest because it would
15 protect consumers against deception and confusion arising from domain names containing
16 Plaintiff's trademarks, and from the use of Plaintiff's trademarks, by persons other than Plaintiff.

17 Accordingly, Plaintiff's motion is **GRANTED. IT IS HEREBY ORDERED THAT,**
18 pending a full trial on the merits:

19 1. The registration for the <newcosmopolitanlasvegas.com> domain name shall be
20 immediately transferred to Plaintiff; Jiangsu Bangning Science & Technology Co. Ltd. (the
21 domain name registrar) and/or VeriSign, Inc. (the .com domain name registry) shall change the
22 registrar of record to a registrar selected by Plaintiff, which will subsequently register the
23 <newcosmopolitanlasvegas.com> in the name of Plaintiff; the hold and lock placed on the domain
24 name in accord with the temporary restraining order shall remain in place after the domain
25 registration has been transferred to Plaintiff;

26 2. Defendant <newcosmopolitanlasvegas.com>, including, without limitation, all of
27 its respective partners, officers, agents, servants, employees, and all other persons acting in concert
28 or participation with Defendant, are hereby preliminarily restrained and enjoined from registering,

1 trafficking in, or using the <newcosmopolitanlasvegas.com> domain name or any other domain
2 name containing the COSMOPOLITAN Marks, or any confusingly similar variations thereof,
3 alone or in combination with any other letters, words, phrases or designs in commerce (including,
4 but not limited to, on any website or within any hidden text or metatags within any website); and

5 3. A nominal bond of \$100 shall be required because the evidence indicates that
6 Defendant will only suffer minimal damage, if any, by the issuance of this preliminary injunction;
7 the \$100 cash deposit previously made by Plaintiff shall remain on deposit with the Clerk of the
8 Court as security for this preliminary injunction pending the final disposition of this case.

9 ENTERED: this 1st day of June, 2012.

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12 UNITED STATES DISTRICT JUDGE
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